

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10
11

12 IN RE:

13 SUMMARY OF PROCEDURAL RULES
14

15 (for distribution in cases where
16 plaintiff/petitioner is proceeding *pro se*)

GENERAL ORDER NO. 07-04

17 The following paragraphs summarize certain local rules of the Court and other procedural
18 matters. It is intended for the benefit of plaintiffs/petitioners proceeding *pro se*.
19

20 It is hereby ORDERED that:

21 (1) Service of Summons and Complaint

22 Except in instances where the Court has arranged for service to be effected on plaintiff's
23 behalf, plaintiff must serve the summons and complaint on each defendant within four months after
24 the filing of the complaint, in accordance with Rule 4 of the Federal Rules of Civil Procedure. If
25 service has not been made in that time, and good cause is not shown for that failure, the action can be
26 dismissed without prejudice.

1 (2) Filing and Service of Other Court Documents

2 All original documents and papers submitted for consideration by the Court in this case are to
3 be filed with the Clerk of this Court. All documents shall indicate in the upper right-hand corner the
4 name of the District Judge or Magistrate Judge to whom the document is directed. The papers shall
5 be accompanied by proof that such documents have been served upon counsel for the opposing party
6 or upon any party acting *pro se*.

7 Service is accomplished by mailing a true and correct copy of the document to counsel for
8 each defendant/respondent. The proof of service shall show the day and manner of service and may
9 be made by certificate or acknowledgment on the document itself, or by a separate filing. If a party
10 fails to comply with this Order, the Court will disregard the submitted document.

11 (3) Motions

12 Any request for court action shall be set forth in a motion, properly filed and served. Pursuant
13 to Local Rule CR 7(b)(2005), any argument being offered in support of a motion shall be submitted
14 as a part of the motion itself and not in a separate document. The motion shall include in its caption
15 (immediately below the title of the motion) a designation of the date the motion is to be noted for
16 consideration upon the Court's motion calendar.

17 Stipulated and agreed motions, motions to file over-length motions or briefs, motions for
18 reconsideration, joint submissions pursuant to the option procedure established in Local Rule CR
19 37(a)(2)(B), and motions for default judgment where the opposing party has not appeared, shall be
20 noted for consideration on the day they are filed. *See* Local Rule CR 7(d)(1)(2005). All other non-
21 dispositive motions shall be noted for consideration no earlier than the third Friday after filing and
22 service of the motion. All dispositive motions shall be noted for consideration no earlier than the
23 fourth Friday after filing and service of the motion. *See* Local Rule CR 7(d)(3)(2005).

1 All briefs and affidavits in opposition to any dispositive motion, and to any non-dispositive
2 motion not specifically identified in the opening sentence of the preceding paragraph, shall be filed
3 and served not later than the Monday immediately preceding the date designated for consideration of
4 the motion. If service is by mail, the opposition shall be mailed not later than the Friday preceding
5 the noting date. If a party fails to file and serve timely opposition to a motion, the Court may deem
6 any opposition to be without merit.
7

8 The party making the motion may file and serve, not later than the date designated for
9 consideration of the motion, a response to the opposing party's briefs and affidavits. All motion
10 papers must be filed and served in accordance with paragraph (2) above.
11

12 (4) Summary Judgment Motions

13 If defendant files a motion for summary judgment, plaintiff is advised, pursuant to *Rand v.*
14 *Rowland*, 154 F.3d 952 (9th Cir. 1998), and Federal Rule of Civil Procedure 56, that he or she has a
15 right to file counter-affidavits or other responsive evidentiary materials in opposition to defendant's
16 motion for summary judgment, and that his or her failure to file such materials may result in the entry
17 of summary judgment against him or her. If the motion for summary judgment is granted, the
18 plaintiff is advised that his/her case may be over. Thus, if plaintiff fails to file opposing counter-
19 affidavits or other evidence, defendant's evidence might be taken as truth, and final judgment may be
20 entered against plaintiff without a trial. See Local Rule CR 7(b)(2)(2005).
21

22 (5) Direct Contact with Judge Prohibited

23 You are not to communicate directly with the District Judge or the Magistrate Judge with
24 regard to this case. All relevant information and papers are to be directed to the Clerk, with copies
25 sent to opposing counsel.
26

1 (6) Change of Address

2 If you are proceeding pro se (without an attorney), you must notify the Clerk and opposing
3 parties promptly if you change your address. If you fail to do so, your case may be dismissed. See
4 Local Rule CR 41(b)(2).
5


6 (7) Lack of Action

7 All cases that have been pending in this Court for more than one year without any proceeding
8 of record having been taken may be dismissed by the Court on its own motion for lack of prosecution.
9 See Local Rule CR 41(b)(1).

10 DATED this 29th day of November, 2007.
11
12
13
14

15 
16 Hon. J. Kelley Arnold
17 Chief United States Magistrate Judge
18

19 
20 Hon. Monica J. Benton
21 United States Magistrate Judge
22

23 
24 Hon. Karen L. Strombom
25 United States Magistrate Judge
26

27 
28 Hon. Mary Alice Theiler
29 United States Magistrate Judge
30

31 
32 Hon. James P. Donohue
33 United States Magistrate Judge
34